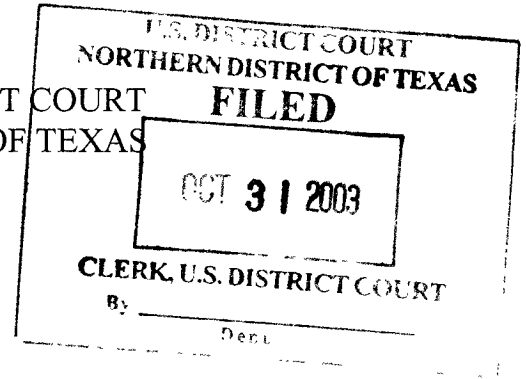


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JAMES AVERY RUSH, IV,)

Plaintiff,)

VS.)

NATIONAL BOARD OF MEDICAL)
EXAMINERS,)

Defendant,)

NO. 2-03CV-0140J

**AGREED ORDER REFERRING CASE
TO MEDIATION AND APPOINTING MEDIATOR**

The Court finds that the above-entitled case is appropriate for mediation. IT IS, THEREFORE, ORDERED by the Court that the parties to this action shall convene a mediation conference on all claims and/or counterclaims on November 4, 2003.

IT IS FURTHER ORDERED that the mediation conference shall convene at 10:00 o'clock A.M. at the offices of John Mozola, Mullin Hoard & Brown, 500 S. Taylor, Suite 800, Amarillo, Texas.

IT IS FURTHER ORDERED that John Simpson shall serve as the mediator in this case.

IT IS FURTHER ORDERED that the parties shall provide the mediator with a concise summary of the claims and defenses of each party, as well as a list of any additional items which they or the mediator feel would aid in the settlement of this case. The parties shall provide these summaries to the mediator at least three (3) business days before the start of the mediation.

IT IS FURTHER ORDERED that, upon completion of the mediation, the mediator shall file a mediation summary report with the Clerk of the Court, on or before the third business day following the completion of the mediation. The mediator shall obtain and use a mediation summary report form from the Clerk of the Court.

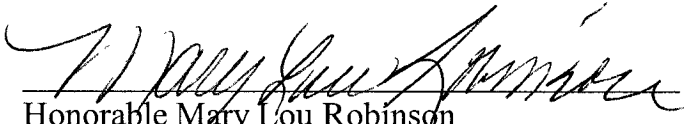
IT IS FURTHER ORDERED that counsel for all parties to this action and at least one person with **final** settlement authority for each party shall attend the mediation conference **in person**. Subject to the applicable provisions, if any, of 28 U.S.C. § 473(c) and, in addition to counsel and party representatives, all other persons necessary to negotiate a settlement must attend the mediation session. It is not acceptable for any of these persons to participate by conference telephone.

IT IS FURTHER ORDERED that the parties, representatives, and mediator shall conduct the entire mediation process in private, and that the mediation shall be confidential and privileged from process and discovery, unless otherwise ordered by the Court. The mediator shall not act as a witness in this action, nor may his records be subpoenaed or used as evidence without the express permission of the Court. No subpoenas, citations, writs, or other process shall be served at the location of the mediation session upon any person entering, leaving or attending any session.

IT IS FURTHER ORDERED that the parties shall divide and equally bear the fees for mediation, unless agreed otherwise. The parties shall pay the mediator directly, and the mediation fees shall be taxed as costs.

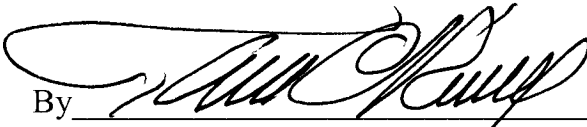
IT IS SO ORDERED.

SIGNED this 31st day of October, 2003.


Honorable Mary Lou Robinson
United States District Judge


APPROVED:

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